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## Appendix A

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### Analysis of Scoping Comments

#### Gold Zone Exploration Drilling Project

Three letters specific to the project were received during the scoping period of October 29, 2013 to November 28, 2013. The letters were analyzed and an analysis code assigned to the comments (see Table 1).

#### Comment Analysis Codes

- 1: Outside the scope of the proposed action.
- 2: Already decided by law, regulation, Forest Plan, or other higher level of decision.
- 3: Irrelevant to the decision to be made.
- 4: Conjectural and not supported by scientific evidence.
- 5: General comment, suggestion, opinion, or position statement.
- 6: Other agency or partner's consultation, review, advice, recommendation(s), etc.
- 7: Already considered in the proposed action or is standard procedure.
- 8: Will be included in an analysis of effects to the environment.

Codes 1 – 6 are standard codes. Comments assigned to these codes are considered to be non-significant issues. Code 7 was added as a category for those suggestions that are already proposed or for procedures that are routinely done. Code 8 was added as a category for suggestions that will be analyzed for effects to the environment.

**Table 1: Comment Analysis**

Commenter	Comment	Disposition
Jim McIver Lewis-Clark ATV Club Inc.	The Lewis-Clark ATV Club Inc. supports the project.	Thank you for your comment.
Gary McFarlane Friends of the Clearwater	Water quality issues surrounding the exploration need to be evaluated. The proposal could affect groundwater by drilling.	Potential effects to water resources from the proposed actions will be analyzed.
	Is this a discharge under the Clean Water Act requiring a discharge permit (NPDES permit) even though water will be reused in the sumps?	There would be no discharge into waters of the United States or wetlands, therefore it is not considered a discharge under the Clean Water Act.
	Furthermore, where would the water come from for the drilling? That is an issue that needs to be addressed.	If water was needed from a source on National Forest lands, a water use permit from the Idaho Dept. of Water Resources would be required and the withdrawal site reviewed by FS specialists before water is taken from any stream.

Commenter	Comment	Disposition
Gary Mcfarlane Friends of the Clearwater	The location of the test holes also needs to be addressed. Are they on the existing roadbed, 1803, or elsewhere? Apparently they are in or near a stream RHCA, according to the map.	Test hole locations would be determined by the claimant. Project activities would occur in the Deadwood Creek drainage, outside of the RHCA.
	The length of time for this project will almost certainly exceed one year.	Plan of Operations processed under 36 CFR 220.6(e)(8) are valid for one year.
	The amount of holes is significant, 20 ... this would appear to require an EA.	2, 5
	The issue of claim validity is important. This type of work...would seem to be more exploration previous to staking a claim. [T]he reasonableness of the proposed action needs to be adequately considered.	5
	Activity or facilities that are “reasonably incident” will vary depending on the stage of mining activity ... [which] include initial prospecting, advanced exploration, pre-development, and actual mining. Each stage is defined by an increasing level of data and detail that contribute to [the] probability that the deposit can be mined profitably. Each stage also has an increasing impact on the land.	5
	The logic of sequencing is also obvious to the Forest Service whose charge is the management of surface resources: Keep it small, to the extent practicable, and build, if warranted, from there. In other words, minimize the amount of disturbance to surface resources in order to prevent unnecessary destruction of the area, and to ensure to the extent feasible that disturbance is commensurate with each level of development.	5, 7
	That simple principle is of paramount interest to the Forest Service that, by its Organic Act, is responsible on lands in the National Forest System “to regulate their occupancy and use to preserve the forest thereon from destruction.”	5, 7
	Is this activity the kind that precedes the staking of a claim, particularly as it relates to the past activities? If that is the case, then it is questionable whether the claimant has made the discovery of a “valuable mineral deposit” on this claim. (30 U.S.C. 22). A mining claim location does not give presumption of a discovery.	2
	The automatic assumption this is something that can be approved with a CE fails to take a hard look at the need for water during drilling and the possible discharge of water from the exploration. Simply put, this project needs at a minimum an EA.	2, 7

Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservation League	The Idaho Conservation League believes that these operations may have short-term impacts on these areas and long-term consequences on water quality and wildlife.	5, 8
	These projects should comply with all federal and state laws including the National Forest Management Act standards and guidelines, the Nez Perce National Forest Plan, Riparian Habitat Conservation Areas, PACFISH/INFISH guidelines, and the Clean Water Act.	7
	Mining activities have the potential to cause extreme harm to the local environment and also monopolize public land for long periods of time. In light of [these] concerns... it is clear to us that this proposal requires additional NEPA review and that the granting of a Categorical Exemption or CE would be inappropriate.	The project meets all the criteria outlined in 36 CFR 220.6., therefore the use of a CE is appropriate.
	The proposed actions may be potentially incompatible with aquatic species inhabiting these watersheds. Weed-free straw bales should line any drainages to protect streams from sedimentation and be removed upon completion of operations.	7, 8
	It is unclear whether the Forest Service will provide the public with an opportunity to review and consider potential impacts of water withdrawal in association with [the Gold Zone Exploration Project]. This falls short of NEPA requirements to disclose the impacts associated with land management decisions.	Impacts to the environment from the proposed activities will be analyzed. The completed analyses will be available in the Project Record.
	The claim operators would like to divert water from seasonal streams ... The scoping notice failed to indicate which streams would be drawn down and how these proposals might or might not be consistent with the Forest Service's Inland Fish Strategy and PACFISH standards. This may have adverse impacts on the water body from which the water would be withdrawn.	The scoping notice identified the project as being located in the Deadwood Creek drainage.  Impacts to water/streams and IFS and PACFISH will be analyzed.
	The Forest Service should work with the operator to increase the water use efficiency and water recycling.	Water use (including efficiency and recycling) would depend on the type of equipment being used and the material being processed.
	The operator needs to obtain a water permit for all uses. Regardless, disclosure is required for this aspect and the scoping notice falls short of that required disclosure.	7

Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservation League	<p>The effects of mining exploration activities on surface water and groundwater quantity and quality need to be determined for a full range of flow conditions. These geochemical analyses should include the following factors:</p> <ul style="list-style-type: none"> <li>• preexisting water quality issues from previous mining activities</li> <li>• sedimentation from roads and trails</li> <li>• transportation of hazardous or toxic materials near streams</li> <li>• on-site water needs</li> <li>• source of water</li> <li>• the depth and flow of water table</li> <li>• the potential for household chemicals and toxins to leach into surface and ground waters</li> <li>• water capture and subsequent leakage by trenches</li> <li>• waste water discharge from site</li> <li>• storm water runoff</li> </ul>	<ul style="list-style-type: none"> <li>• There are no known water quality issues due to previous mining activities within the drainage.</li> <li>• Sedimentation from roads and trails would be monitored and mitigated as stipulated in the approved Plan of Operation.</li> <li>• Fuel and oil would be the only toxic materials on site. A spill prevention plan would be in place, as per the Plan of Operation, before activities could begin.</li> <li>• Onsite water needs were addressed in the Scoping notice.</li> <li>• A detailed analysis of the depth and flow of the water table is beyond the scope of this project. A more detailed analysis would be conducted if full scale mining is proposed at a later time.</li> <li>• No household chemicals and/or toxins would be discharged onsite.</li> <li>• No water would be discharged from the open trenches or pits into the surrounding area. If required, excess water may be applied to upland areas. This would apply to excess storm water runoff as well.</li> </ul>
	The operators will need to obtain a storm-water discharge permit to reduce erosion from the disturbed area.	If required, excess storm water runoff may be applied to upland areas.
	The scoping notice does not indicate whether operators would use designated roads or trails to reach each drill site or whether they would create their own trails. We ask that the [FS] require the operator to avoid off-roading to avoid the spread of noxious weeds and damage of resources.	Drill sites would be accessed using existing access roads, old road templates or by overland travel. Areas impacted by equipment travel would be reconditioned, as needed, and mulched and seeded as part of the reclamation.

Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservation League	The Forest Service should survey the project area for noxious weeds and analyze the extent to which motorized vehicles are contributing to their spread.	1
	All equipment must be washed off with a pressurized hose to dislodge noxious weed seeds before entering and leaving the project area.	7
	Disturbed soil and waste rock piles need to be reseeded with native plants, and weeded to prevent expansion of noxious weeds.	No waste rock piles would remain upon project completion. All disturbed areas would be seeded with native species or by transplanting “plugs” of existing species, or a combination of both. The project area would be monitored for noxious weeds and if found, appropriate measures taken for removal and control.
	[T]he [FS] should monitor the areas subjected to replanting for three years to ensure vegetation success.	The project site would be monitored until revegetation has reached a satisfactory level.
	The US Forest Service must submit a biological assessment on all possible threats to listed species and the USFWS and NMFS must approve the report with a "no jeopardy" finding. No incidental takings permit should be allowed.	7, 8
	[T]he agency should require a financial assurance that ensures reclamation would be completed in the event of abandonment of the site.	7
	The Forest Service should detail the amount, scope, and form of the financial assurance in the NEPA process to make certain that such a critical issue is subjected to public review and comment.	5
	Bonding costs need to be detailed...must be independent of the bond covering any other mining operations ... [and] should be calculated according to Forest Service pricing, including the cost of renting and transporting equipment and wages for all workers and supervisors.	7
	[R]eclamation should take place concurrently with the exploration operation.	7
	Complete reclamation should occur as soon as possible after operations cease.	7
	Operators should post signs around the perimeter of the exploration area to inform recreational users of the project.	Public safety is a primary concern and therefore all required safety measures would be implemented and adhered to by the operator.

Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservation League	The [FS] should make sure that the operator informs the public during equipment and fuel haul and uses pilotcars, flaggers and signs on all open system roads.	All applicable Federal and State of Idaho safety precautions regarding heavy hauling and transport of fuel would be adhered to.
	[A]ll garbage must be disposed of appropriately in a timely fashion to minimize interactions with wildlife. Burning of garbage should not be allowed.	7
	All food should be stored in bear-proof containers.	3
	All human waste should be disposed of properly in an approved sanitation facility.	7
	As powered equipment proposed, the Forest Service should regulate their use.	The operator would be required to adhere to the same standards as all other forest users regarding the use of generators, sound levels, etc.
	The [FS] should consider impacts to recreationists and require measures to avoid, minimize and mitigate these impacts.	Impacts (noise, exhaust, etc.) to recreationists would be similar to that of other mechanized equipment that normally operates on the Forest. All required measures for public safety would be implemented and adhered to by the operator.
	An appropriate sized spill kit should be on site for refueling.	7
	No hazardous materials should be stored on the Forest and on-site fuel quantities should be limited.	7
	Hazardous wastes including grease, lubricants, oil, and fuels need to be disposed off offsite in an environmentally appropriate manner on a weekly basis.	7
	Fire extinguishers should be inspected regularly throughout the project period and located in all vehicles. Handheld implements (shovels or axes) should be accessible at all operating locations.	Mining claimants and operators would be required to adhere to the same fire prevention and protection standards as all other forest users and equipment operators. As such, they would have all needed fire prevention equipment on site.
	The Forest Service must also analyze and disclose the direct and indirect cumulative effects of these projects in conjunction with all past, present and reasonably foreseeable future actions, including additional mineral exploration projects in the area. We are concerned about the potential downstream impacts these exploration projects may have on the watershed.	7, 8

Commenter	Comment	Disposition
Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division	Nez Perce Tribe staff feels that a CE is inappropriate for this project and the cumulative effects of all projects should be considered under an EA or EIS.	The project meets all criteria for Category 8, per 36 CFR 220.6., and therefore may be excluded from documentation in an EA.
	When will this project take place?	Upon the Ranger's signature and approval of the Plan of Operation, the project may be implemented immediately.
	What are the allowed work windows?	Work is expected to be conducted during the regular field season (between June 1 and October 10).
	There are Threatened, Endangered, and/or Sensitive fish species and/or habitat in the Crooked River (Chinook, Steelhead, Bull Trout, and Cutthroat). How might they be impacted?	The project area is within the Deadwood Creek drainage, a tributary to the Red River.  Potential impacts to fisheries will be analyzed. Because the project would be located on a forested ridgetop well away from any riparian areas, impacts to fisheries are not anticipated.
	Will there be any impacts to riparian areas or wetlands?	Potential impacts to riparian areas and wetlands will be analyzed. Because the project would be located on a forested ridgetop, we do not anticipate any impacts to these resources.
	Has the area been surveyed for wetlands?	Yes. There are no wetlands in the project area.
	Will this cause stream sedimentation? What will be done to avoid this?	Potential impacts to streams, including sediment yield, will be analyzed. Because the project would be on a forested ridgetop, we do not anticipate any sediment into streams. Design criteria and BMPs to protect water resources would be included in the Plan of Operation.
	A water source may be needed for this project. If so, where will water come from?	If water is needed from NF lands, a water use permit would be obtained from the Idaho Dept. of Water Resources, and the withdrawal site reviewed by FS specialists before water is taken from any stream. Water sources would include any nearby perennial stream with sufficient flow to support drafting water while retaining adequate flow to support

		aquatic species.
Commenter	Comment	Disposition
Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division	What other projects (both mining and non-mining) exist in the drainage and how will this add to cumulative effects within the watershed?	There are no currently existing or proposed mining projects within the Deadwood Creek drainage.  Cumulative effects of the proposed activities will be analyzed, with the scope of the analysis determined by the individual resource specialists.
	How will the drilling affect the subsurface hydrology of the area? What effect will it have on stream flows?	A detailed analysis of the depth and flow of the water table and the project's potential effect on stream flows are beyond the scope of the project. A detailed analysis would be conducted if full scale mining is proposed at a later time.
	Soil disturbance and the resulting dust may be laden with heavy metals that could cause air quality issues detrimental to wildlife, fish, other aquatic species, or humans. What is being done to eliminate or minimize dust from all operations (including staff transport on road systems)? Why type of monitoring is being conducted?	Dust abatement is an issue common to many projects implemented on the Forest. If dust becomes an issue, standard dust abatement measures (e.g., water sprinkling of roads/drill pads) would be applied. Since water is used during core drilling, no dust would be generated by the drilling process itself.
	Has this applicant worked on forest service property before?	No
	What type of monitoring was completed both during and after their operations?	Not applicable.
	How was their performance? Any past performance needs to be evaluated and current and future permits tailored ... to ensure all aspects of the permit are followed and there is no resource damaged caused by the proposed operation.	Not applicable.
	Are resource advisors included in compliance, monitoring, and determinations of proper site reclamation?	Minerals personnel are trained and skilled in all aspects of mining and mining related projects, including compliance, monitoring, and reclamation.



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	If not, we strongly encourage the forest service to assign staff that has expertise in mining, reclamation, hydrology, fisheries, and watershed to each of these projects to assure protection of resources.	See previous response. Other forest service resource staff would be consulted if, and where, there are any resource issues that require their input/expertise.
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Commenter	Comment	Disposition
<p>Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division</p>	Are there any potential unstable or landslide prone areas?	Due to the geology and topography of the project area, it is highly unlikely any landslide prone areas or stability issues exist within or in proximity to the project area. The probability of any stability issues related to the project are minimal.
	Will the extracted material be processed on site?	No. Drill cores and/or cuttings would be taken offsite for examination and analysis.
	What type of monitoring will be done on the material placed in the waste dumps?	There would be no waste dumps produced with this proposal.
	How will the road work affect streams?	No road construction or road improvements would be required. Some minor leveling cuts may be needed during cross country travel to allow access to the drill sites by drill rigs and support equipment. The disturbed areas would be reclaimed. In addition, all activities associated with this project would be conducted away from any live stream or wetland.
	How much fuel will need to be hauled for this operation?	The amount of fuel hauled / used would be dependent on the specific equipment used, which in turn is dependent on the availability of equipment at the time of project implementation.
	What routes will be used?	The project area would be accessed by taking Forest Road 522 from State Highway 14 to Forest Road 522B, then on Forest Road 1803 to the project area.
	How many miles of stream adjacent road are in the fuel haul routes?	The haul route would be along the South Fork of the Clearwater River and a short segment of the Red River. Exact mileage would depend on the specific haul route, but it would be between 46 and 61 miles, depending on if the fuel is brought from Grangeville or from Kooskia, Idaho.

Commenter	Comment	Disposition
<p>Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division</p>	<p>How will streams be protected from potential sedimentation caused by fuel haul and by potential fuel spills?</p>	<p>Sediment movement into streams from road use, including fuel haul, is not expected, due to the distance of the project area from streams and the majority of haul roads are paved.</p> <p>Sedimentation from unpaved roads and trails would be monitored and mitigated for as stipulated in the approved Plan of Operation.</p> <p>A spill prevention plan (kept onsite) for fuel and chemicals transported to the project area would be in place before the Plan of Operation is approved.</p>
	<p>NPT staff would like to review the reclamation plan prior to the approval of this project.</p>	<p>All nonproprietary information regarding this project will be available on request.</p>

Additional Comments on the Gold Zone Exploration Drilling Project

The following comments were received post-scoping and are included in the project record.

Commenter	Comment	Disposition
Idaho Conservation League Supplemental Comments  (The ICL supplemental comments includes 26 small mining projects, including the Gold Zone Exploration project.)	[W]e feel strongly that an EA is required for each project based on the degree of, or uncertainty surrounding, extraordinary circumstances present for each project.	We determined no extraordinary circumstances exist (36 CFR 220.6), and therefore the use of a CE is appropriate for each project.
	We also [have] concerns about whether each Project would comply with the Forest Plan, the Endangered Species Act, other laws and regulations.	7
	We believe it is improper for you to approve any of these 26 projects using Category 8 and must at a minimum prepare an EA for each project.	The projects met all the criteria for Category 8, per 36 CFR 220.6., and therefore may be excluded from documentation in an EA.
	[T]he agency cannot utilize Category 8 ... the Ninth Circuit has held, an agency's decision to establish a category of actions that are excluded from full NEPA review can only be made with a full understanding of the significance of the impacts resulting from application of the category.	1, 2, 3, 5
	The FS never performed a direct, indirect or cumulative impacts analysis (or any of the required ESA consultation and analysis) on Category 8 -- routine, short-term mining investigations and their incidental support activities - - and the related provisions in Chapter 30 of the Forest Service Handbook regarding extraordinary circumstances.	1, 3, 5
	[B]ecause adoption of Category 8 and Chapter 30 violated NEPA and the ESA, the Forest cannot rely upon on those provisions for approval of the proposed exploration projects.	1, 2, 5
	[E]ven if Category 8 was properly adopted, we question if you can use Category 8 to approve any of these 26 mineral exploration projects, because [they] are concentrated in three ranger districts and have potentially significant cumulative impacts on the human environment ... Accordingly, Category 8 cannot be used to approve the projects.	2, 5, 8
	Not only must you consider the cumulative impacts of [the] 26 Projects currently being considered for approval under Category 8 ... you must also consider the impacts of all projects previously approved using Category 8 ... Furthermore, you must review any other past, present, or reasonably foreseeable impacts in your cumulative impacts analysis for these projects, including but not limited to: road construction, timber management, minerals exploration and development, livestock management, travel management, wildfire, prescribed fire, or other activities.	Cumulative effects of the proposed activities will be analyzed. The scope of the cumulative effects analysis will be determined by the individual resource specialists.